

JUDGE STEIN

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

04 CV 10108
#6

**JANE DOE I, JANE DOE II AND
JANE DOE III,**

Plaintiffs,

v.

**EMMANUEL CONSTANT,
a.k.a. TOTO CONSTANT,**

Defendant.

Civil Action No. _____

**DECLARATION OF JENNIFER GREEN
IN SUPPORT OF PLAINTIFFS' *EX*
PARTE MOTION FOR LEAVE TO FILE
COMPLAINT AND ACCOMPANYING
PAPERS UNDER SEAL**

I, JENNIFER GREEN, declare:

1. I am one of the attorneys for the Plaintiffs in the above entitled case and make this Declaration in support of Plaintiffs' *Ex Parte* Motion For Leave to File Complaint and Accompanying Papers Under Seal until the Defendant can be served with the Summons and Complaint.

2. This is an action for compensatory and punitive damages on behalf of Plaintiffs who have suffered torture and crimes against humanity, and some of whom were raped and/or left for dead by their attackers. These violent measures were carried out during a repressive military dictatorship that ruled Haiti from 1991 to 1994. Emmanuel Constant ("Defendant Constant"), the leader of the paramilitary organization FRAPH, was one of the most notoriously brutal perpetrators during this period. He and his organization were closely linked to the Haitian Armed Forces and worked in concert with them to carry out widespread and systematic human rights abuses against the civilian population of Haiti. Plaintiffs are all women who were targeted because of their gender.

Rape and sexual violence was a tool commonly employed by FRAPH and the Armed Forces as a means of repression.

3. Plaintiffs were civilians who were attacked by members of FRAPH. The Complaint details the brutal treatment that FRAPH inflicted on them, including the rape of Plaintiffs Jane Doe I and Jane Doe II. Plaintiffs Jane Doe I and Jane Doe III were left for dead by their attackers but managed to survive.

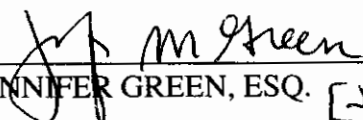
4. The allegations in the Complaint against Defendant Constant are extremely serious, including his responsibility for attempted extrajudicial killing, torture and crimes against humanity. Through his brutal actions, Defendant Constant has shown his contempt for the rule of law. Defendant Constant fled Haiti in December 1994 after the United States invaded and constitutional rule was restored. He slipped into the United States shortly thereafter. Just as he fled Haiti when he was no longer in favor there, he is likely to flee this Court's jurisdiction if he becomes aware of the filing of this lawsuit prior to service. I believe his contempt for the rule of law and desire to avoid accountability mean that he would immediately take evasive action to avoid service of the summons and Complaint if he became aware of the filing of this case.

5. Plaintiffs are only requesting that the Complaint and accompanying documents be sealed until Defendant is served. This should be only a matter of days.

6. For all these reasons, the motion should be granted.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: December 21, 2004


JENNIFER GREEN, ESQ. [26-3169]

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JANE DOE I, JANE DOE II AND
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Plaintiffs,

v.

EMMANUEL CONSTANT,
a.k.a. TOTO CONSTANT,

Defendant.

Civil Action No. _____

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' *EX PARTE* MOTION FOR
LEAVE TO FILE COMPLAINT AND
ACCOMPANYING PAPERS UNDER
SEAL**

Upon the motion of Plaintiffs for an order permitting the filing of the Complaint, summons, civil cover sheet, and Motion for Leave to File Complaint as Pseudonymous Plaintiffs under seal, and upon review of the declaration of counsel in support thereof, it is hereby

ORDERED that Plaintiffs' *Ex Parte* Motion for Leave to File Complaint and Accompanying Papers Under Seal be GRANTED, and it is

FURTHER ORDERED, that the Complaint, summons, civil cover sheet, and Motion for Leave to File Complaint as Pseudonymous Plaintiffs, and all other accompanying filings in this action shall be placed under seal until such time as proof of service of the summons and Complaint is returned and filed by Plaintiffs with the Clerk of the Court.

UNITED STATES DISTRICT JUDGE

Dated: December _____, 2004